

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 2 and 10-31 have been cancelled. Claims 42-53 have been added herein. Upon entry of the above amendments, claims 1, 3-9 and 32-53 will be pending.

Newly added claims 42 and 44-52 are based upon the previously pending claims 32-41. New claim 43 is based on the disclosure at column 3, lines 21-23. New claim 53 is based on the disclosure at column 2, lines 21-27. No new matter has been added.

The independent claims have been amended, in part, to remove the limitation with respect to the "mixture of a syrup . . ." and should be understood to encompass acrylic compositions both cured and uncured. Accordingly, Applicants supply a discussion of the pending rejection and of the other references cited by the Examiner in this case. The pending rejections are addressed first.

#### **Pending Rejections**

Claims 1, 3-9, 20-21, and 30-41 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 22-31 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The amendments to the claims are believed to address these rejections. Specifically, the new claims are believed to be in full compliance with 35 U.S.C. § 112. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

Claims 1, 5-8, 22, 25-28, 30 and 31 have been rejected under 35 U.S.C. § 103(a) as obvious over Yoshimatsu (JP 04-279668-A) in view of Buser *et al.* (US 4159301). Applicants submit that the amendments to the claims are believed to overcome this rejection. Specifically, neither Yoshimatsu nor Buser teach or suggest Applicants' present invention. For at least this reason, Applicants respectfully request reconsideration and withdrawal of this rejection.

## **Previously Cited References**

### *U.S. Patent 5,039,749 to Seki*

In a previous rejection, the Examiner asserted Examples 1 and 2 of Seki as anticipating certain claims. The Examiner characterized Example 1 as teaching particles comprising 10.6 wt.% of butyl acrylate comonomer and 0.5 wt. % of crosslinker, and that Example 2 showed slightly higher amounts of crosslinker. Applicants respectfully submit that the particles of Examples 1 and 2 include greater than 30% comonomer, and therefore do not anticipate the pending claims. The math is as follows:

Amount of butyl acrylate in particles of Example 1 is:

$$\text{BA in Example 1: } 39 \text{ g (B1)} + 128 \text{ g (B2)} + 576 \text{ g (B3)} + 179 \text{ g (B4)} + 32 \text{ g (B5)} = 954 \text{ g}$$

$$\text{Total weight of polymerizable components in Example 1: } 2384.84 \text{ g}$$

$$\% \text{ BA comonomer} = 954/2384.84 = 40.0\%$$

A similar calculation for Example 2 yields a % BA comonomer of over 31%. For at least this reason, the claims are patentable over Seki.

### *U.S. Patent 5,475,055 to Deckers*

Deckers fails to teach or suggest the present invention. Specifically, Deckers fails to teach or suggest a comonomer that is a C<sub>2</sub>-C<sub>8</sub> alkyl acrylate or alkyl methacrylate. For at least this reason, the claims are patentable over Deckers.

### *U.S. Patent 5,237,004 to Wu*

Wu fails to teach or suggest each and every limitation of the present invention. Specifically, Wu fails to teach or suggest particles having the composition of the present invention. For at least this reason, the claims are patentable over Wu.

### *U.S. Patent 4,876,311 to Hennig*

Hennig fails to teach or suggest each and every limitation of the present invention. Specifically, Hennig fails to teach or suggest a polymer matrix that is present in an amount of about 80 to about 95 wt.% of the composition. For at least this reason, the claims are patentable over Hennig.

*U.S. Patent 4,396,476 to Roemer et al.*


Roemer also fails to teach or suggest each and every limitation of the present invention. Specifically, Roemer fails to teach or suggest particles having the composition of the present invention. For at least this reason, the claims are patentable over Roemer.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By: 

John E. Mauk  
Registration No. 54,579  
Direct No. (202) 263-3255

Paul L. Sharer  
Registration No. 36,004  
Direct No. (202) 263-3340

Intellectual Property Group  
1909 K Street, N.W.  
Washington, D.C. 20006-1101  
(202) 263-3000 Telephone  
(202) 263-3300 Facsimile

Date: January 9, 2005